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NOTICE OF ALLOWANCE AND FEE(S) DUE

22913 7590 01/24/2008

WORKMAN NYDEGGER
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/24/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/666,445

09/21/2000

Jonathan B. Olson

15226.4

1490

TITLE OF INVENTION: SYSTEMS AND METHODS FOR COMMUNICATING BETWEEN A DECISION-SUPPORT SYSTEM AND ONE OR MORE MOBILE INFORMATION DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$0	\$0	\$720	04/24/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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P.O. Box 1450
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or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22913 7590 01/24/2008

**WORKMAN NYDEGGER
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SALT LAKE CITY, UT 84111**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/666,445 09/21/2000 Jonathan B. Olson 15226.4 1490

TITLE OF INVENTION: SYSTEMS AND METHODS FOR COMMUNICATING BETWEEN A DECISION-SUPPORT SYSTEM AND ONE OR MORE MOBILE INFORMATION DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional YES \$720 \$0 \$0 \$720 04/24/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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FRENEL, VANEL 3627 705-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,445	09/21/2000	Jonathan B. Olson	15226.4	1490
22913	7590	01/24/2008	EXAMINER	
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 01/24/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 795 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 795 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

09/666,445

Examiner

VANEL FRENEL

Applicant(s)

OLSON ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication on 12/21/07.
2. ☒ The allowed claim(s) is/are 1,3-12,15-21,24,25,27-31,33-37,39,41 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>12/21/2007</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. The following statement of reasons for allowance is in response to a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission IDS filed on 12/21/07 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed on 12/21/07 regarding the IDSs. Claims 1, 3-12, 15-21, 24-25, 27-31, 33-37, 39, 41 and 42 are pending.

Allowable Subject Matter

3. Claims 1, 3-12, 15-21, 24-25, 27-31, 33-37, 39 and 41-42 are allowed.

Reasons for allowance

4. The following is an Examiner's statement of reasons for allowance.

Independent claims 1 and 12 are directed to "accessing updateable rules and parameters corresponding to one or more medical conditions and which are usable at

the decision-support module for diagnosing medical conditions of the at least one patient, the accessed updateable rules and parameters being accessed from a medical knowledge module to assist in at least identifying the one or more medical conditions in the at least one patient; generating decision-supported patient data for the at least one patient by evaluating, at the decision-support module remote from the mobile user module, the accessed patient data and any newly collected patient data for the at least one patient delivered to the patient storage using said updateable rules and parameters, the decision-supported patient data including one or more potential medical conditions for the at least one patient and one or more recommendations for medical care for the at least one patient; transferring the generated decision-supported patient data to the mobile user module, the clinician being presented with the generated decision-supported patient data for the at least one patient which the clinician will treat in the time period in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

The closest prior art of record, McAndrew et al (5,517,405) discloses expert system for providing interactive assistance in solving problems such as healthcare management.

Joao (6,283,761) discloses apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information.

Lee (6,442,432) discloses instrumentation and software for remote monitoring and programming of implantable medical devices (IMDS).

Lifecart.com Takes Next Step to Monitoring Health Online: First E-Health Company of Its Kind to Expand Services With Wireless Applications by PR Newswire. New York: Apr 12, 2000. pg.1.

However, none of the cited prior art disclose above teaches “accessing updateable rules and parameters corresponding to one or more medical conditions and which are usable at the decision-support module for diagnosing medical conditions of the at least one patient, the accessed updateable rules and parameters being accessed from a medical knowledge module to assist in at least identifying the one or more medical conditions in the at least one patient; generating decision-supported patient data for the at least one patient by evaluating, at the decision-support module remote from the mobile user module, the accessed patient data and any newly collected patient data for the at least one patient delivered to the patient storage using said updateable rules and parameters, the decision-supported patient data including one or more potential medical conditions for the at least one patient and one or more recommendations for medical care for the at least one patient; transferring the generated decision-supported patient data to the mobile user module, the clinician being presented with the generated decision-supported patient data for the at least one patient which the clinician will treat in the time period in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the

mobile user module or a customized configuration selected by the clinician”, as recited in independent claims 1 and 12 above.

Independent claim 24 is directed to “transfer the generated decision-supported patient data to a mobile user module, the clinician being presented with decision-supported patient data for the at least one patient in a configuration to assist the clinician in treating the at least one patient; a user module remotely located from the decision-support module and configured to receive the generated decision-supported patient data from the decision-support module, the mobile user module comprising a user interface configured to present the generated decision-supported patient data in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician.

The closest prior art of record, McAndrew et al (5,517,405) discloses expert system for providing interactive assistance in solving problems such as healthcare management.

Joao (6,283,761) discloses apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information.

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Lifchart.com Takes Next Step to Monitoring Health Online: First E-Health Company of Its Kind to Expand Services With Wireless Applications by PR Newswire. New York: Apr 12, 2000. pg.1.

However, none of the cited prior art disclose above teaches “transfer the generated decision-supported patient data to a mobile user module, the clinician being presented with decision-supported patient data for the at least one patient in a configuration to assist the clinician in treating the at least one patient; a user module remotely located from the decision-support module and configured to receive the generated decision-supported patient data from the decision-support module, the mobile user module comprising a user interface configured to present the generated decision-supported patient data in a configuration to assist the clinician in treating the at least one patient, the configuration of the generated decision-supported patient data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”

Claims 15-21, 25, 27-31, 33-37, 39 and 41-42 incorporate the features of claims 1, 12 and 24 through their dependencies, and are also allowed for the same reasons given above.

EXAMINER’S AMENDMENT

5. An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Colby Nuttal on July 13, 2007.

During the interview, Attorney agreed to the following:

Claim 23 was cancelled.

In claim 24, line 15, the terminology, "patient data to the" was changed to --patient data to a---.

Claim 39, lines 1-3, the terminology, "The method as recited in claim 23, wherein the step of presenting received decision supported patient data comprises a step of presenting received decision support data via a user interface wherein" was changed to --The system as recited in claim 24, wherein the--.

Claim 40 was canceled.

No further questions were discussed.

A search has been conducted for a foreign prior art, however, none has been found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender, Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/F. Ryan Zeender/
Supervisory Patent Examiner, Art
Unit 3627

V.F

Art Unit 3627

January 16, 2008